

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KANEKA CORPORATION,

Plaintiff,

v.

JBS HAIR, INC.; JINNY BEAUTY SUPPLY
Co., and UNO & COMPANY, LTD.,

Defendants.

CIVIL ACTION No. 3:10-cv-01430-P

The Honorable Jorge A. Solis

**STIPULATION & [PROPOSED] ORDER FOR PARTIAL
DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(2)**

WHEREAS, Kaneka Corporation (“Kaneka”) has asserted in this “Action,” Civil Action No. 3:10-cv-1430-P, that Uno & Company, Ltd., JBS Hair, Inc., and Jinny Beauty Supply Co., Inc. (collectively “Defendants”) infringe one or more claims of U.S. Patents Nos. 7,759,429 and 7,759,430 (collectively the “Patents-in-Suit”) pursuant to 35 U.S.C. § 271;

WHEREAS, “Independent Claims” means claim 1 of U.S. Patent No. 7,759,429 and claim 1 of U.S. Patent No. 7,759,430;

WHEREAS, “Dependent Claims” means claims 2-21 inclusive of U.S. Patent No. 7,759,429 and claims 2-24 inclusive of U.S. Patent No. 7,759,430;

WHEREAS, the parties on June 17, 2013 agreed in open court to dismiss with prejudice Kaneka’s claims of infringement against Defendants based on the Dependent Claims pursuant to Federal Rule of Civil Procedure 41(a)(2), and to dismiss without prejudice solely as they affect

the Dependent Claims, Defendants' counterclaims of invalidity of the Dependent Claims based on 35 U.S.C. §§ 102 and 103;

IT IS THEREFORE STIPULATED by and between the parties, through their respective attorneys of record, subject to approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Kaneka and Defendants hereby stipulate to the dismissal with prejudice of all claims for infringement of the Dependent Claims, and the dismissal without prejudice, solely as they affect the Dependent Claims, Defendants' counterclaims of invalidity of the Dependent Claims based on 35 U.S.C. §§ 102 and 103.
2. The parties agree that this dismissal is without costs or fees to any party of this Action.

SO STIPULATED.

Dated: June 18, 2013

FENWICK & WEST LLP

/s/ Darryl M. Woo

Darryl M. Woo

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on June 18, 2013.

s/ Darryl M. Woo

Darryl M. Woo

ORDER

IT IS SO ORDERED.

Dated: June __, 2013

The Honorable Jorge A. Solis
UNITED STATES DISTRICT JUDGE